

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

MOHAMAD CHARAFEDDINE and his wife,  
WADAD CHARAFEDDINE,

Case No.:  
Hon.

Plaintiffs,

v

CARSON FREIGHT, LLC, and  
JESUS ODILFO ORDUNO,

Defendants.

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**DEFENDANT CARSON FREIGHT, LLC, NOTICE OF REMOVAL  
FROM STATE COURT**

PLEASE TAKE NOTICE that Defendant Carson Freight, LLC, by and through counsel, hereby removes the matter entitled *Mohamad Charafeddine and his wife, Wadad Charafeddine v Carson Freight LLC, and Jesus Odilfo Orduno*, Wayne County Circuit Court Case No. 24-005372-NI, to the United States District Court for the Eastern District of Michigan. The bases for removal are set forth below:

**STATEMENT OF GROUNDS FOR REMOVAL**

1. On or about April 11, 2024, an action was commenced in Wayne County Circuit Court, bearing Case No. 24-005372-NI. (Exhibit A).
2. Defendant Carson Freight, LLC, a foreign limited liability company, was served with a copy of the summons and complaint on April 15, 2024. (Exhibit B).
3. Defendant Carson Freight, LLC, filed an Answer and Affirmative Defenses on May 9, 2024. (Exhibit C). Additional filings in the case include a Jury Demand and Appearances of Counsel for Kaufman, Payton & Chapa. These documents are attached as Exhibit C.
4. All process and pleadings received by this Defendant in this action, are attached as Exhibits. The Trial Court Docket is also attached as Exhibit D.
5. Upon information and belief, Jesus Odilfo Orduno, has not yet been properly served with the Summons and Complaint.
6. This notice of removal is being filed within 30 days after receiving notice of the complaint by service or otherwise as required by 28 USC 1446(b).
7. This Court has jurisdiction over this case based on diversity of citizenship pursuant to 28 USC 1332(a).

**CITIZENSHIP OF PARTIES**

8. Plaintiffs allege that they reside in Dearborn Heights, Michigan. See Exhibit A, Complaint.

9. Plaintiffs allege that Defendant Jesus Odilfo Orduno resides at AV Lazaro Cardenas S/N Col Tie Libertad, MX 81090.

10. As alleged in the Complaint, Defendant Carson Freight, LLC, is now, and was at the time of the filing of the Complaint, a foreign limited liability company, organized and registered in the State of Texas with a principal place of business at 403 Inter America Blvd, Laredo Tx 78045.

**AMOUNT IN CONTROVERSY**

11. The amount in controversy requirement is also satisfied.

12. Pursuant to 28 USC 1446(c)(2)(A)(ii), the Plaintiffs assert that the amount in controversy is in excess of \$25,000, which was plead, because it is jurisdictional limit for Michigan's Circuit Court. As a result, this Notice of Removal may assert the amount in controversy, pursuant to 28 USC 1446(c)(2)(A).

13. This is a personal injury case, and Plaintiffs allege damages from an automobile accident that occurred on or about February 9, 2024.

14. In the Complaint, Plaintiff Mohamad Charafeddine alleges injuries and damages that include the following:

- a. broad-based posterior disc herniations at C4-5, C5-6 and C6-7
- b. left paracentral disc herniation at C3-4;
- c. broad-based disc herniations at L 1-2, L3-4, and L4-5, L4-5;

- d. right paracentral disc herniation at L2-3 with T2 hyperintensity in intervertebral disc (edema/inflammation associated with annular fissure) causing mild right foraminal and canal stenosis;
- e. right asymmetrical based posterior disc herniation at LS-S1 causing mild right foraminal stenosis
- f. loss of lordosis in the lumbar spine
- g. headaches and dizziness, possibly caused by closed head injury
- h. bilateral numbness in the shoulders, arms and hand
- i. numbness in the left thigh
- j. Fright and shock, physical pain and suffering, mental anguish, denial of social pleasure and enjoyments, inconvenience, disability, impairment, disfigurement, embarrassment, humiliation, and mortification
- k. Loss/impairment of earning capacity
- l. Loss of wages to the extent that such losses are recoverable in excess of the no-fault statutory maximums
- m. Medical expenses in excess of Plaintiff's P.I.P. coverage

(Exhibit A, Complaint, Par. 24, a-m).

15. Plaintiff Mohamad Charafeddine also generally asserts that he suffered a serious impairment of a body function and a permanent serious disfigurement.

(Exhibit A, Par. 25).

16. Plaintiff *Wadad Charafeddine* has also asserted a claim for loss of services companionship and, and consortium related to her husband Mohamad Charafeddine, (Exhibit A, Par. 26). As part of that claim, she alleges that has been required to do provide nursing services a, household chores, and ofther services for Mohamad Charafeddine (Exhibit A, Complaint, Par. 26).

17. Based on the allegations made in Plaintiffs' Compliant, the amount in controversy exceeds \$75,000, although the allegations are in dispute.

18. Defendant files this Notice of Removal without admitting any of the facts alleged in Plaintiffs' Complaint.

**THE OTHER REMOVAL PREREQUISITES HAVE BEEN SATISFIED**

19. All Defendants that have been properly served have consented to this removal. Notably, no other defendants have been properly served.

20. No Defendant has sought similar relief with respect to this matter.

21. The prerequisites for removal under 28 USC 1441 have been met.

22. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.

23. A Notice of Removal has or will be filed with the United States District Court for the Eastern District of Michigan and with Wayne County Circuit Court.

Defendant files this notice of removal and removes this civil action to the United States District Court for the Eastern District of Michigan. Plaintiffs are

notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully Submitted

Dated: May 13, 2024

/s/Daniel Ericson  
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*Attorneys for Defendant Carson Freight*